

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Amanda Baisden, :
 :
Plaintiff, :
 :
v. : Case No. 2:03-cv-0678
 : JUDGE MARBLEY
Commissioner of :
Social Security, :
 :
Defendant. :

ORDER

This social security disability case is before the Court to consider plaintiff's counsel's motion for attorneys' fees. For the following reasons, counsel will be awarded the sum of \$2,748.30 under 42 U.S.C. §406(b).

As indicated in the Court's order of April 3, 2009, any award of fees which the Court may make in this case cannot exceed 25% of the past due benefits which had accrued by May 3, 2003. Based on the documentation submitted by counsel, a total of \$10,993.20 had accrued by that date (twelve months of payments, commencing on December 1, 2001, at the rate of 607.90, and six additional months of payments, commencing on December 1, 2002, at the rate of \$616.40). Twenty-five percent of that amount (as determined by the contingent fee contract - and the Court accepts counsel's May 5, 2009 submission of evidence on that point even though he no longer has a copy of the original fee contract) is \$2,748.30. The Court further finds this award to be reasonable.

Based on the foregoing, the motion for approval of attorneys' fees (#21) is GRANTED. Counsel is awarded the sum of \$2,748.30 under 42 U.S.C. §406(b) to be paid out of the amount

being withheld by the Social Security Administration for the payment of fees from plaintiff's past accrued benefits.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge